

Remarks

Favorable consideration of this application is respectfully requested. Applicant has rewritten claims 1, 4, 5, 20, 25, 28, 30, canceled claims 2, 3, 21, 22, 26, 29, 31 and added new claims 32-36. Favorable reconsideration of this application is, consequently, earnestly solicited in view of the following remarks.

Claim 1 has been amended to include the novel features of dependent claims 2 and 3.

Claim 20 has been amended to include the novel features of dependent claims 21, 22, 26.

Claim 28 has been amended to include the novel features of dependent claims 29 and 31.

Applicant has amended the first paragraph of the specification to remove the references to several patent applications referenced by the Examiner. Applicant has further amended the specification to additionally claim the benefit of priority to U.S. application SN 09/390,098 filed September 3, 1999, by the same assignee as the subject application, and which includes overlapping inventors with the subject application.

The objection to the oath/declaration is no longer applicable since Applicant has provided a substitute oath/declaration with the subject response.

The objection to the specification is also no longer applicable since Applicant has amended the specification accordingly.

The objection to the claim numbering is acknowledged. Applicant has included the modified claim numbering as listed by the examiner.

Claims 1-2, 4, 7, 20-24, and 28-29 were rejected under sec. 102e as being anticipated by Blateri '276. The Blateri' 276 application was filed on June 17, 1999. Applicant's claim the benefit of priority to at least two patent applications 09/200,607 and 08/851,501 which were both filed in 1998 and 1997 respectively, well before the effective filing date of Blateri' 276. Thus, the subject application should be entitled to the benefit of priority to dates well before the effective date of Blateri' 276.

Additionally, the subject independent claims 1, 20 and 28 have been amended to include the inserting/positioning of "protruding member" into a "keyhole slot". Clearly, these novel features are not described, taught, nor suggested by Blateri '276. Thus, removal of this reference is respectfully requested.

Claims 1-3, 5-7 and 20-31 were rejected under sec. 102e as being anticipated by Wu 5,951,197(Wu '197)(figures 7-9).

Claims 1-3, 5-7 and 20-31 were rejected under sec. 102e as being anticipated by Wu 5,951,197(Wu '197)(figures 4-6).

Applicant again points out to the examiner that sec. 102e requires that the reference being used must be "by another filed in the United States before the invention by the Applicant...."

Applicant again includes a copy of a recorded assignment which clearly shows that both the Wu'197 patent and the subject application are owned by the SAME ASSIGNEE, King of Fans, Inc. Therefore, the Wu '197 patent does not qualify as a reference "by another filed in the United States before the invention by the Applicant...."

Additionally, Applicant directs the Examiner's attention to the fact that the subject application was filed for on August 8, 2001. Under MPEP 706.02(I)(3), since there is common ownership established, the subject application claims should at most be rejected under obviousness type double patenting rejection, and not under a sec. 102e rejection. For these reasons, removal of the Wu '197 reference under sec. 102e is respectfully requested.

Still furthermore, an examination of the Wu '197 reference clearly shows in Fig. 3, that Wu acknowledges the previously filed application namely SN 08/851,501 filed 5/5/97 by the same inventors and assignee as that of the subject application which is now U.S. Patent 6,010,306. Clearly, a review of this patent clearly demonstrates that the Wu '197 reference acknowledges in Figure 3 that keyhole shapes and protruding members for ceiling fan blade connections was done by the subject applicants. Again, Applicant has included an assignment recordation form that clearly shows that the Wu '197 patent is also assigned to King of Fans, Inc., the same assignee as that of the subject application. Thus, Wu '197 acknowledges that the use of protruding members in keyhole slots was accomplished by the parent application to the subject application on which the subject application claims the benefit of priority.

Removal of the Wu '197 reference is therefore respectfully requested for all of the reasons presented above.

Claims 1-3, 5-7 and 20-31 were rejected under sec. 102e as being anticipated by Wu 5,954,449(Wu '449)(figures 4-6).

Applicant again points out to the examiner that sec. 102e requires that the reference being used must be "by another filed in the United States before the invention by the Applicant...."

Applicant again includes a copy of a recorded assignment which clearly shows that both the Wu' 449 patent and the subject application are owned by the SAME ASSIGNEE, King of Fans, Inc. Therefore, the Wu '449 patent does not qualify as a reference "by another filed in the United States before the invention by the Applicant...."

Additionally, Applicant directs the Examiner's attention to the fact that the subject application was filed for on August 8, 2001. Under MPEP 706.02(1)(3), since there is common ownership established, the subject application claims should at most be rejected under obviousness type double patenting rejection, and not under a sec. 102e rejection. For these reasons, removal of the Wu '449 reference under sec. 102e is respectfully requested.

Furthermore, subject independent claims 1, 20, 28 have been amended to include "protruding member" and "keyhole slot", that clearly are not described, taught, nor suggested by the Wu '449 reference.

Removal of the Wu '449 reference is therefore respectfully requested for all of the reasons presented above.

New claims 32-36 have been added to further clarify novel features of the invention, namely, having plural "protruding members" and "keyhole slots", which are shown and described in reference to Fig. 2A of the subject invention. Clearly, these novel features are also not described, taught, nor suggested by the subject references of record.

Under well recognized rules of the MPEP (for example, section 706.02(j)), the teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438(Fed. Cir. 1991).

The mere fact that someone in the art can rearrange parts of a reference device to meet the terms of a claim is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for someone of ordinary skill in the art, without the benefit of the inventor's specification to make the necessary changes in the reference device. Ex parte Chicago Rawhide Mfg. Co., 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984).


Applicant contends the references cannot be modified to incorporate the features of subject claims 1, 4-7, 20, 23-25, 27, 28, 30 and 32-36 without utilizing Applicant's disclosure. The courts have consistently held that obviousness cannot be established by combining the teachings of the prior art to Applicant to produce the claimed invention, absent some teaching, suggestion, incentive or motivation supporting the combination. In re Bond, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990).

In view of the foregoing considerations, it is respectfully urged that the subject amendment be entered and claims 1, 4-7, 20, 23-25, 27, 28, 30 and 32-36 be allowed.

Alternatively, Applicant requests that the subject amendment be entered, and the finality of the previous office action be removed, since the Applicant has had to file new declarations, and had to repeat arguments that the Wu references are not applicable as prior art.

Such action is respectfully requested. If the Examiner believes that an interview would be helpful, the Examiner is requested to contact the attorney at the below listed number.

Respectfully Submitted;

  
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